

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SETH, Manish

For (title): SYNTHETIC ROOFING AND SIDING MATERIAL

Filing Date: 12/31/2003 Examiner: SANDERS, Kriellion Antoinette

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Box Amendment

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**DECLARATION OF COMMERCIAL SUCCESS, AND LONG FELT
NEED IN THE FIELD**

I, Mike Neil, am CEO of RoofRoc Canada Limited and have been employed with the company for over two years. RoofRoc Canada Limited was involved in developing and producing the present invention. I am therefore familiar with the above referenced patent application as well as the commercial success of the claimed invention.

This invention has been assigned to RoofRoc Canada Limited, which is a small company, qualifying as a small entity under the laws of both Canada and the United States. The Synthetic Roofing and Siding Material, which is sold under the name "RoofRoc" was introduced in 2004 for sale. Since that time, the present invention has enjoyed considerable commercial success with cumulative sales of \$2,830,000. Sales for 2006 were \$1,160,000 and sales for 2007 are estimated to be \$1,160,000.

In my opinion, commercial success has resulted from the novelty of the claimed invention, because the present invention has characteristics not found in any other product known to me, including those in the cited prior art. These characteristics found in the Synthetic Roofing and Siding Material include the unique appearance and durability of this material due to a higher amount of filler content, and the use of a stabilizer/lubricant which enable the material to be extruded commercially.

The materials are produced through extrusion processes which involve a lower capital cost for extrusion machinery and a lower capital cost for dies/molds.

A higher length to diameter ratio (L/D) is used for RoofRoc's extrusion process, allowing for lower melt temperatures, less pressure and temperature variations and improved mixing. It is also possible to obtain higher rates of production compared to intermittent production with injection molding, because injection molding process is limited by a longer pressing cycle times. These advantages translate into a durable material which can be produced at a low cost.

These reasons (a uniquely durable product and lower cost of equipment and production) are the basis of the popularity of this material, and is, in my opinion why Commercial Success has been achieved with this invention.

In order to produce these advantages achieved by extrusion fabrication, there are practical difficulties which the present invention has addressed. In particular, the flow characteristics of the raw materials used are generally not suitable for extrusion process without carefully devised additives to the raw material. In RoofRoc's experience it has been found that thermoplastic resin in combination with a high proportion of mineral filler cannot be extruded through conventional extrusion processes. Conventional extrusion processes are also complicated by the introduction of high filler content into thermoplastic resin because of the viscosity differences and as well as the different flow abilities of the materials. Thus, in order to produce a mixture that can be formed by extrusion as a practical commercial operation, a stabilizer/lubricant is used to provide better surface wetting between the surface of the mineral filler and the thermoplastic resin, and to provide a lubricating effect to aid in processing of a formulation with relatively high filler content.

Thus, the addition of stabilizer/lubricant is an important, and claimed, component of the invention, enabling it to achieve the Commercial Success it has achieved. It is this element that enables the invention to allow material with such a high percentage of filler to be extruded in a commercially viable manner. This extrusion of material in this fashion has lead to its popularity among the customers of the invention, and thus to its Commercial Success.

To date, funds spent on advertising in magazines and tradeshow has been less than 2% percent of product sales. In fact, the only advertising done so far has been through our attendance at local tradeshow and a small print ad. Our customers generally hear about the product from other satisfied customers, who then refer these new customers to us.

Thus, as there have been nominal amounts expended on advertising, the success of this invention cannot be attributed to advertising. In my opinion, the Commercial Success we have enjoyed is due primarily to the innovative nature of the product and because the product looks and feels different than anything on the market. In fact, based on our research, no other Siding or Roofing material product is available on the market that resembles the product manufactured by RoofRoc.

Therefore, in my opinion, there is a clear nexus between this evidence of Commercial Success, and the claimed invention, by which material with such a high filler content can be commercially extruded at a low cost.

Thus it is respectfully asserted that this nexus establishes a factually and legally sufficient connection between the claimed invention and the commercial success it has demonstrated.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed this 2nd day of December, 2007



Michael W. Neil

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